

REMARKS

Following the Office Action dated January 9, 2004, claims 1-4, 6, 7 and 27 remained pending, with all remaining claims being withdrawn from further consideration. By way of this amendment, claims 2 and 6 are cancelled with their subject matter being incorporated into amended claim 1, and claim 27 is amended in a manner similar to that of claim 1. Accordingly, claims 1, 3, 4, 7 and 27 remain pending and at issue.

Each of the pending claims has been rejected as anticipated and/or rendered obvious by Perrin, U.S. Patent No. 4,474,318. However, Applicant has now amended the claims to specify not only the specific structure by which the dispenser is reinforced and the position of the cutter bar relative to that reinforcement structure, but the relative size of the registration zone as well. As further detailed below, Applicant respectfully submits that Perrin fails to disclose or suggest either feature.

First, with respect to the reinforcement layer, Applicant has attempted to amend the claims in accordance with the suggestions of the Examiner. More specifically, in response to Applicant's prior argument that Perrin does not disclose a reinforcement member between a bottom panel 16 and its cutter bar 28, the Examiner correctly indicated that the claims were not set forth as asserted. Rather, claim 27 cited the means for reinforcing was "proximate" the cutter bar. Accordingly, claim 27, as well as claim 1, have been amended to more specifically identify the structure and location of the reinforcement. Applicant also wishes to point out that such an amendment is not simply cosmetic, but of importance in providing the improved cutting ability of the disclosed dispenser. As stated in the specification, it is a combination features which provide the dispenser with improved cutting ability, one of which is the provision of the reinforcement strip directly behind the cutter bar to stabilize the bar and thus improve the effectiveness of the cutter bar. This is clearly visible in Figs. 9 and 10, for example. This feature is provided to overcome a deficiency identified in the background of the disclosure of the application with respect to prior art dispensers: "While effective, the front flap of the lid is often not as structurally fortified as the base, thus it tends to bow or otherwise deflect during dispensing." Clearly this obstacle is not identified by Perrin, nor is the solution afforded by the present application. The reinforcing strip of Perrin, i.e., element 40, clearly does not reinforce the cutter bar 28 as the cutter bar 28 is mounted on the bottom of the package, while the reinforcing strip 40 is provided on the front

of the package. In actuality, the reinforcing strip 40 is provided to ensure the slot 30 is sufficiently rigid to retain the front edge 32 of the carton when closed. Nonetheless, given the previous “proximate” wording of the claim, the Examiner was within his right in citing Perrin. Now, however, the claims have been amended to overcome Perrin with respect to both anticipation and obviousness.

The second amendment addresses the registration zone with specificity. More specifically, the Examiner has stated that Fig. 6 of Perrin appears to depict a spacing between the teeth of the cutter bar and the edge of the carton, and that with such a depiction, it would necessarily imply a predetermined registration zone. While the text of the ‘318 patent is silent in this regard, the Applicants agree that the Examiner is entitled to take as broad as possible reading in the claims as possible. Accordingly, the claims has been amended to incorporate the dimensional aspects of previously pending claim 2, dimensions clearly not even in the drawings of Perrin. In this regard, the Examiner argues that such dimensions “appear” to be in Fig. 6 of Perrin. Applicant disagrees. As stated above, and in prior amendments, the text of Perrin is silent with respect to a predetermined registration zone, much less the specific dimensions claimed. The drawings are also silent in this regard, but letting them speak for themselves as suggested by the Examiner, they also do not disclose the specific dimensions identified by the claims. Taking the enlargement of Fig. 6, provided as page 6 of the Office action (and attached as Exhibit A hereto), the spacing between the edge A of the carton and valley B of the cutter bar 28 measures at least 1/16 inch (0.0625 inches). Moreover, the enlargement is provided at a proportion depicting the carton as having a depth C of 2½ inches (2.5 inches), the typical size of such dispensers. In light of this, even the drawings of Perrin do not disclose the dimensions claimed. Similar to the placement of the reinforcement layer relative to the cutter bar, the exact spacing of the registration zone is one of the features which combine to improve the efficacy of the disclosed dispenser. Such spacing ensures the teeth of the cutter bar are fully exposed, while at the same time ensuring sufficient contact between the cutter bar and carton surface exists to provide the cutter bar with adequate rigidity needed for cutting.

Based on the foregoing, the Applicants respectfully submit that claims 1, 3, 4, 7, and 27 are neither anticipated nor rendered obvious by the Perrin reference. The withdrawal of each of the rejections of the claims and the issuance of a Notice of Allowance

is therefore respectfully solicited. Moreover, Applicants respectfully submit that no new matter has been submitted by way of this Amendment, nor have any limitations been added that would require further consideration or search as they are simply incorporations of features already set forth in already considered dependent claims.

Should the Examiner have any questions, he is respectfully invited to telephone the undersigned.

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Respectfully submitted,

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